

As recited by claim 1, the sole pending independent claim, the present invention relates to a device which reduces the requirements (i.e., burden on) a system controller regarding the processing and analyzing of status reports concerning the reading of sectors on a disc. Specifically, the present invention includes an optical disk controller that comprises a status generator for generating status reports and **a status sampling section for sampling the status reports**. In accordance with the present invention, as the rotational speed of the disc is increased the intervals between the sampling is increased. Thus, even though the rotational speed is increased, there is not a proportion increase in the amount of time the system controller spends processing status reports.

Turning to the prior art, Andoh relates a disc drive device that includes a detecting device and a counter for counting ATIP (i.e., absolute time in pre-groove) to determine whether or not a disc is defective. In the pending rejection, various components of Andoh's device are cited as corresponding to the claimed status generator and the claimed status sampling section. At a minimum, ***it does not appear that Andoh has any component corresponding to the claimed status sampling section***, which functions to sample status reports. It is noted that while Andoh apparently discusses changing the sampling period over which ATIP errors are counted (see, e.g., col. 2, lines 30-34), it does not disclose changing the time between sampling of status reports. Indeed, as stated above, **Andoh does not appear to disclose the sampling of status reports**. Moreover, all of the generated error statuses, such as C1 error and ATIP error, are output by the computer. There is no sampling of these error

status signals in Andoh. As such, Andoh does not anticipate claim 1 or any claim dependent thereon.

Accordingly, as anticipation under 35 U.S.C. § 102 requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference, ***Kalman v. Kimberly-Clark Corp.***, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983), and at a minimum, Ando does not disclose the sampling of status reports, for the foregoing reasons, it is clear that Andoh does not anticipate amended claim 1, or any claim dependent thereon.

III. **All Dependent Claims Are Allowable Because The Independent Claim From Which They Depend Is Allowable**

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, ***Hartness International Inc. v. Simplimatic Engineering Co.***, 819 F.2d at 1100, 1108 (Fed. Cir. 1987).

Accordingly, as claim 1 is patentable for the reasons set forth above, it is respectfully submitted that claims 2-11 are also in condition for allowance.

Moreover, the pending dependent claims clearly recite additional aspects of the present invention not disclosed by Andoh. For example, claim 3 recites adjusting the sampling rate based on the rotational speed of the disc. While it is noted above that Andoh fails to disclose the sampling of status reports, even assuming *arguendo* that Andoh did disclose this feature, Andoh does not appear to provide any disclosure regarding adjust the sampling rate based on the rotational speed of the disk.

Accordingly, it is submitted that the dependent claims on their own merit provide additional patentably distinct features over Andoh.

IV. Request For Notice Of Allowance

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited.


If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

Respectfully submitted,

MCDERMOTT, WILL & EMERY

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

Paragraph beginning on page 7, line 10, has been amended as follows:

[Figure 3 shows] Figures 3a and 3b show examples of status reports generated by the optical disk controller in Figure 1.

IN THE CLAIMS:

Claim 11 has been amended as follows:

11. (Amended) An optical disk device comprising the optical disk controller [of Claim 1], said optical disk controller comprising:
a status generator for generating status reports each representing the operation
state of the optical disk controller; and
a status sampling section for sampling the status reports.

